



Determining Equitable Share for Private and Home Schools for the ESSER Grant

Revised 10/13/2020

The original guidance from the U.S. Department of Education (USED) for calculating equitable share for the ESSER grant was to use Total Enrollment for both the public and private schools with the formula being:

$$\text{Total Enrollment Private} / (\text{Total Enrollment Public} + \text{Total Enrollment Private})$$

On July 1 USED published an Interim Final Rule(IFR) allowing each LEA to choose whether to use a Title I formula or the original Total Enrollment formula. No school district in Montana opted to apply the Title I methodology. On September 4, a federal district court issued a judgment that invalidated the rule and the guidance for using the Total Enrollment formula. On September 26 Secretary DeVos issued a letter noting:

- USED will not file an appeal of the September 4 ruling.
- LEAs and SEAs should refer to Section 1117(a)(4)(A) of the ESEA of 1965 for calculating equitable share.
- USED will not take action against States or local districts that followed the guidance and/or the IFR prior to notice of the court's decision.

On October 10 USED issued new guidance on equitable share. This document clarified the application of sections of existing Title I statute to CARES Act grants.

As a result, we have to start from scratch for calculating the equitable share for private schools. The most recent guidance gives school districts two options:

- Use the equitable share percentage from either the 2019-2020 or the 2020-2021 Title I application
- Use the Title I formula

$$\text{Low Income Count Private} / (\text{Low Income Count Public} + \text{Low Income Count Private})$$

Using the Equitable Share Percentage from a Title I Application

An LEA can opt to forego the Title I process and used the equitable share calculation from the 2019-2020 or the 2020-2021 Title I application. The use of this option is not allowed if the Title I equitable share

percentage is zero and the school district has private/home school participants in the ESSER grant. The steps to this process are:

- Get the equitable share percentage from the Targeting Step 4 page of the chosen ESEA Consolidated application.
- Multiply the sum of the main ESSER grant and the related services ESSER grant by this percentage. This will give the total amount of equitable services for private schools.
- Calculate the amount of equitable services due to each private/home school based upon either the total enrollment of each or on the basis of the low income count at each private/home school.
- On the [spreadsheet](#) provided by the OPI enter the grant award information, the equitable share percentage, and list of private participants and their enrollment and low income count information. The spreadsheet will do the above three steps.
- The district will send the spreadsheet to the OPI (email to kbailey2@mt.gov) for review and it will become part of the ESSER grant documentation.
- The district must again consult with each private/home school and agree on the materials and/or services to provide with the ESSER funds. For each of the private home schools, the school district must complete a new [Affirmation of Consultation for Private Schools](#) and email the completed form to joconnor2@mt.gov.
- If a district has already provided materials and/or services in excess of the new calculation to a private/home school and those materials and/or services were provided prior to the school receiving notification of the judgment invalidating the prior method, the district is not obligated to recover the materials and/or services nor to make up the difference from local funds.
- The school district should amend its ESSER grant budget to reflect the new equitable share amount.

Using the Title I Formula

The first step in this process, as is the case for the annual Title I grant application, is to determine the number of low-income kids for both the public school and private/home schools. For determining the low-income count for the private/home schools the school district will have to consult again with all of the private/home school participants and select the method for estimating the number of low-income kids. School districts can choose from five options for determining the private low-income kids count.

- The same measure of poverty used to count public school children
- Comparable poverty data from a survey
- Comparable poverty data from a different source
- Proportional calculation
- Equated measure

The OPI is publishing a guide, “Poverty Measurement Tools for Determining CARES Act Equitable Participation”, that defines each of these approaches and gives examples for their use. This guide has the goal of assisting school districts to arrive at the best method. Two things to note:

- This is straight out of existing USED guidance for Title I, so no change from the Title I process.
- Title I statute clearly states it is the LEA’s right and responsibility to choose the method.

Since the ESSER grant was awarded during FY 2019-2020 the count of low-income kids in the public-school system will come from the 2019-2020 Consolidated ESEA grant application in Egrants, specifically the Targeted Step 4 screen. The private/home school participants will remain the same ones established in June by each school district and recorded in the ESSER grant application, but each school district will have to determine the number of low income kids for each participant using one of the five options listed above. School districts with no private/home school participants will not have to do anything new.

The Egrants modules supporting the ESSER grant were developed with the Total Enrollment formula, Rather than waiting for a reprogramming of Egrants the OPI is requesting schools with private school/home school participants to take the following steps:

- Each school district (Prime Applicant) that creates an Egrants Consolidated Application for federal funds will need to determine an equitable share calculation for participating private/non-public school. The OPI has prepared a template spreadsheet for school districts to use for this purpose.
- The total ESSER award for a consolidated district is the sum of the ESSER main grant award and the ESSER related services grant for both the elementary and high school district.
- The data for the number of low-income kids for the public schools will be taken from the 2019-2020 consolidated ESEA application in Egrants.
- The school district already has the Total Enrollment for the private/home schools based on the effort made in May and recorded in the ESSER grant application. For each of these participants the school district will also have to estimate the number of low-income kids.
- The school district will take the data gathered in the previous steps and enter into the “Revised ESSER Equitable Share Calculation” [spreadsheet](#). This spreadsheet will calculate the total equitable share for the district and allocate the amount due to each private/home school within the district. The school district has the option to allocate either on the basis of total enrollment or on the basis of low income kids.
- The district will send the spreadsheet to the OPI (email to kbailey2@mt.gov) for review and it will become part of the ESSER grant documentation.
- The district must again consult with each private/home school and agree on the materials and/or services to provide with the ESSER funds. For each of the private home schools, the school district must complete a new [Affirmation of Consultation for Private Schools](#) and email the completed form to joconnor2@mt.gov.
- If a district has already provided materials and/or services in excess of the new calculation to a private/home school and those materials and/or services were provided prior to the school receiving notification of the judgment invalidating the prior method, the district is not obligated to recover the materials and/or services nor to make up the difference from local funds.
- The school district should amend its ESSER grant budget to reflect the new equitable share amount.

Contact Ken Bailey, kbailey2@mt.gov , 406 444-2562 with any questions.